PRESERVED

App. F. IX-4

Previous References.

1940.
(Legis)

File No. 38-40
Serial Nos. 1

Later References.

34

GENERAL AND REVENUE SECRETARIAT

Serial Nos.

Part B for *7-7-1941

SUBJECT

The Mysore Land Acquisition (Amendment) Act, 1941 (11-7-1941)

To
The Compiler, Mysore Gazette
No P 4018- Legis 38-40-1 dated 4-2-1941
Directs the publication of the Act as Act No III of 1941

10-10-41

Copy of letter Roc No.1133/38-39 dated 21st June 1939 from the Registrar, High Court of Mysore to the Chief Secretary to the Government of Mysore.

With reference to your letter No.P.6399, dated 9th June 1939 enclosing a draft notification for empowering the Additional Subordinate Judge, Bangalore, to hear and dispose of cases under the Land Acquisition Act for the opinion of the High Court as to whether the draft Notification is in order, I am directed to enclose herein the draft Notification with slight amendment and to state that the draft Notification as now amended is in consonance with the wording employed in Section 3 (d) of the Act. In this connection I am directed to bring to the notice of the Government the desirability of amending the definition of the expression "Court" in Section 3 of Clause (d) of the Land Acquisition Act, so as to include any Court other than the District Court and a special officer whom the Government may appoint to perform the functions of a Court under the Act.

In a case or two where appeals had been preferred against the decisions of the Additional Subordinate Judge who had been appointed under Section 3(d) as it stands, pleas where raised that the Judge was a special officer and not a Court and that under Section 54 of the Act appeals lay only from the awards of Courts. Certain decisions in British India would indicate that no appeal to the High Court would lie when the award was made by a special officer appointed under Section 3(d) of the Act. The difficulty was evaded as the pleas were not seriously pressed. The suggestion for amendment of the definition is made for the above reason.

Copy

Law Secretary's Minute re. A
" A draft Bill may be
put up." (Sgd) C.S.
22/6.

Legislation for favour of further action.

CSW
23/6

Mr. Justice Black

Mr. Justice Reed

Mr. Justice Frankfurter

Mr. Justice Douglas

Mr. Justice Jackson

Mr. Justice Burton

Mr. Justice Clark

Mr. Justice Minton

Mr. Chief Justice Vinson

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 48. — October Term, 1951.

Harry Bridges, Petitioner, } On Writ of Certiorari to the
v. } United States Court of
United States. } Appeals for the Ninth
} Circuit.

[June —, 1952.]

Mr. Justice Black delivered the opinion of the Court.

Petitioner was arrested on the basis of a warrant issued pursuant to the Immigration Act of 1917. Certain deportable aliens are given liberal rights to remain in this country under section 19(c) of the Act. Petitioner was charged with having failed to register as an alien under section 4(a) of the Act, and with having failed to obtain a certificate of re-entry before departing from and returning to the United States, as required by section 23. Petitioner was ordered deported under the Act.

Immediately upon the alien's entry into the country, the Attorney General may exercise his discretion to suspend deportation if he is satisfied that deportation would result in serious economic detriment to a citizen or lawfully resident spouse or child of such alien, if there is reasonable ground to believe that the alien will be subject to physical persecution, and if the alien is a person of good moral character. In pertinent part, section 19(c) of the Act provides that "the provisions of section 3 of the Act of March 4, 1929, as amended (U.S.C., title 8, sec. 746), relating to the termination of permanent residence upon departure from the United States shall not apply to an alien within the United States who establishes to the satisfaction of the Attorney General that his departure therefrom was occasioned by deportation proceedings or by compulsion of circumstances and not primarily to accomplish such termination of permanent residence."

I am directed to call to the notice of the Court a question as to the meaning of the jurisdictional provision of section 3 of the Act of March 4, 1929, as amended (U.S.C., title 8, sec. 746), relating to the termination of permanent residence upon departure from the United States shall not apply to an alien within the United States who establishes to the satisfaction of the Attorney General that his departure therefrom was occasioned by deportation proceedings or by compulsion of circumstances and not primarily to accomplish such termination of permanent residence.

Immediately upon the alien's entry into the country, the Attorney General may exercise his discretion to suspend deportation if he is satisfied that deportation would result in serious economic detriment to a citizen or lawfully resident spouse or child of such alien, if there is reasonable ground to believe that the alien will be subject to physical persecution, and if the alien is a person of good moral character. In pertinent part, section 19(c) of the Act provides that "the provisions of section 3 of the Act of March 4, 1929, as amended (U.S.C., title 8, sec. 746), relating to the termination of permanent residence upon departure from the United States shall not apply to an alien within the United States who establishes to the satisfaction of the Attorney General that his departure therefrom was occasioned by deportation proceedings or by compulsion of circumstances and not primarily to accomplish such termination of permanent residence."

I am directed to call to the notice of the Court a question as to the meaning of the jurisdictional provision of section 3 of the Act of March 4, 1929, as amended (U.S.C., title 8, sec. 746), relating to the termination of permanent residence upon departure from the United States shall not apply to an alien within the United States who establishes to the satisfaction of the Attorney General that his departure therefrom was occasioned by deportation proceedings or by compulsion of circumstances and not primarily to accomplish such termination of permanent residence.

Immediately upon the alien's entry into the country, the Attorney General may exercise his discretion to suspend deportation if he is satisfied that deportation would result in serious economic detriment to a citizen or lawfully resident spouse or child of such alien, if there is reasonable ground to believe that the alien will be subject to physical persecution, and if the alien is a person of good moral character. In pertinent part, section 19(c) of the Act provides that "the provisions of section 3 of the Act of March 4, 1929, as amended (U.S.C., title 8, sec. 746), relating to the termination of permanent residence upon departure from the United States shall not apply to an alien within the United States who establishes to the satisfaction of the Attorney General that his departure therefrom was occasioned by deportation proceedings or by compulsion of circumstances and not primarily to accomplish such termination of permanent residence."

I am directed to call to the notice of the Court a question as to the meaning of the jurisdictional provision of section 3 of the Act of March 4, 1929, as amended (U.S.C., title 8, sec. 746), relating to the termination of permanent residence upon departure from the United States shall not apply to an alien within the United States who establishes to the satisfaction of the Attorney General that his departure therefrom was occasioned by deportation proceedings or by compulsion of circumstances and not primarily to accomplish such termination of permanent residence.

General and Revenue Secretariat.

AMENDMENT OF THE LAND ACQUISITION ACT

File No. of 19 [App. F. III-2

Serial No.

Section 3 (d) of the Land Acquisition Act is as follows:-

> the expression "Court" means a principal Civil Court of original jurisdiction, unless the Government of Mysore has appointed (as it is hereby empowered to do) a special judicial officer within any specified local limits to perform the functions of the Court under this Act."

Section 54 of the Act which provides for appeals runs thus:-

> Subject to the provisions of the Code of Civil Procedure applicable to appeals from original decrees, an appeal shall lie to the High Court from the award or from any part of the award of the Court in any proceedings under this Act.

A distinction has been made in certain cases between a principal civil court of original jurisdiction and a special court presided by "a special judicial officer" appointed by Government under section 3(d).

A further distinction has been drawn between an award and other decisions that do not amount to an award This latter distinction has been recognised and in fact was ~~first~~ for the first time clearly specified in Ramachandra Rao V Ramachandra Rao 43 M.L.J.78(P.C.) wher their Lordships say, "There are two perfectly separate an distinct forms of procedure contemplated by the Land

NOTE--Contn. Sheet

Serial No.

Acquisition Act. The first is that necessary for fixing the amount of compensation and this is described as being an award" the second being decisions treating of apportionment of compensation etc.

The High Court state that in one or two cases an argument was raised that no appeal lay to it from an award of a special court (as described above.)

There are two decisions of the Madras High Court in which this point has been discussed ~~and where a~~ where a plea was raised in them that a special judicial officer appointed by Government gives a decision that is not an award, no appeal will lie to the High Court since section 54, only provides for appeals from awards and there can be no right of appeal unless given by statute. This plea succeeded in both those cases.

In Mahant Bhagvathi Doss Bavaji Vs Sarangaraja Iyengar 61 M.L.J.313 the Chief Judge of the Small Cause Court was appointed by Government as special judicial officer. Wallace and Stone JJ held that this was a special court and not a principal civil court of original jurisdiction On the facts of the case it was found that the decision of the special Land Acquisition Court was not an award. Holding that the authority conferred by section 54 is an authority to hear appeals from awards only, their Lordships dismissed the appeal.

In Krishnaswamy Iyer Vs Special Deputy Commissioner of Kumbakonam 71 M.L.J. 76 this point again came up for consideration. The appeal was from a Land Acquisiton

Serial No.

Court presided by a special judicial officer, namely the Subordinate Judge of Kumbakonam. On the facts it was also found that the decision was not an award.

In referring to the earlier decision in 61 M.L.J Stone J observes, "In 61 M.L.J.313 it was decided by a Bench of this High Court that the Court, at least where it was constituted by the appointment of a special judicial officer under the provisions of section 3 (d), was a Special Court, that is to say it was not an ordinary Civil Court but a Court established under the provisions of the Act. From which it follows and it was there so decided that no appeal lies from such a court unless by Statute the right of appeal is given. In this Statute a right of appeal is given in one class of cases and in one class of cases only, that is to say, where the Court arrives at a decision that amounts to an award." Later, he says, "The scheme of the Act contemplates that sometimes the Court shall be an ordinary civil court and sometimes a special court specially constituted. In the latter case except when that court makes an award the Act does not make any statutory provision for appeals from that court."

The High Court therefore suggest an amendment to the Act to remove the anomaly. This can be done by amending 3(d) and 54. In 3(d) the expression Court may perhaps be made to include a special judicial officer appointed by Government also. 54 may be amended to apply to all

NOTE—Contn. Sheet

5242 pt 39

Amendment to Land Acquisition Act

File No. of 19

General and Revenue Secretariat.

Serial No.

decisions and not merely to awards.

In the former case however another question arises for consideration, whether the special court has to have exclusive jurisdiction or concurrent jurisdiction with the District Court. Following the Guardian and Wards Act 1911 and the Insolvency Act, 1925 where such investiture on a subordinate court, of the powers of the District Court is provided for, and where the jurisdiction is made concurrent with the District Court, a similar provision is suggested in the draft of 3(d) put up.

The draft amendments are submitted for orders. It is also for orders whether the draft may be sent to the High Court for an opinion.

Law Secretary) 18/2/40

Done 8.2.40

A revised draft may be put up. It may be sent to High Court for their opinion.

A revised draft is put up. A draft letter to the High Court is also submitted for orders.

Done 13.2.40

Draft approved by Secretary

13/2/40

Law Secretary)

13/2

Secretary

SECY. TO GOVT. 15 FEB. GOVT OF MYS.

SECTION 1940 SECT.

Issued P 5685 dated 15.2.40 to the Registrar forwarding draft amendment for opinion

Sir,

Amendment to Land Acquisition Act

6

General and Revenue Secretariat. | File No. | of 19 | [App. F. III-2

Serial No.

OFFICE OF THE FIRST LAW OFFICER OF COUNCIL
SEP 14 1940
No 2576

From

The Registrar, High Court of Mysore

D. D. No. 301/39-40 dated 21st June 1940

suggesting ~~making~~ certain changes in the draft Bill sent for opinion

The High Court have suggested some minor changes in the draft Bill sent for their opinion.

These work, if approved, be incorporated in the draft Bill.

As this does not appear to be any urgency in regard to the measure, it may if approved, be placed before R.A. and L.C. in the usual course in October and January, respectively.

Submitted for orders.

DRS
4-7-40

The amendments may be incorporated and the Bill placed before the R.A & L.C. at their next sitting.

MRV
4/7

Law Secy)

Hm
2
4/7/40
MRV

SECY. LAW DEPT.
4 JULY 1940
GOVT OF MYSORE

A draft Bill and a Statement of General Principles are submitted for approval. The amendments suggested by the High Court have been incorporated in the Bill.

DRS
13/9/40:

MRV
13/9

Law Secy) May be approved.
I Member)

Hm
2
13/9/40
MRV
14/9

MRV
17/9/40

Hm
2
17/9/40
MRV
17/9

NOTE—Contn. Sheet.

7 5284/40 8722.

Amendment to Land Acquisition Act

File No. of 19 General and Revenue Secretariat.

Serial No.

This is a Council case and may be disposed of by circulation.

Dewan)

17.9.40

17/9

19/9/40

For favour of circulation.

Chief Secy)
W/C)

19/9/40

19/9

DEWAN'S OFFICE
18 SEP 1940
NO 1765

Submitted with a circulation Memo
Bx Signed
20/9/40 20/9

A.D.F.R. is submitted.

One
24.9.40

24/9

D.F.R. submitted.

I. Member)

24/9/40

24/9

OFFICE OF THE
FIRST MEMBER OF COUNCIL
SEP 24 1940
No 2956

File received back from the Member with instructions.

25/9

Submitted.

Kind reference is invited to the observations of the Judges in ~~61~~, 1931 A.I.R. page 588.* Although the need for amending the Land Acquisition Act has been emphasised by the Judges in that judgment as well as in a few others, the matter has not been taken up ~~in British India~~ and the Land Acquisition

Flag I

* in British India

8222 8

Serial No.

Act has not been amended on the lines that we propose to do here.

The Draft Bill was sent to the High Court, and its wordings ~~has~~ have been approved by them subject to certain minor changes which have been incorporated in the Bill now submitted.

JKW 2/9

Law Secy)

3258 / 30.9.40

As instructed a revised D.F.R. and a revised Statement of General Principles are submitted.

2307 / 2/9

JKW 27/9

Law Secy)

D.F.R. submitted

I Member)

Hyn 2 27/9/40

For Disposal by Circulation.

No. C. 144 of 1940-41.

193

GENERAL AND REVENUE SECRETARIAT

Council Matter.

Subject

The Mysore Land Acquisition (Amendment) Bill.

Circulated to the Members of Council.

By Order,

Chief Secretary to Government.

20th September 1940.

First Member of Council. (Seen)

2862 / 20.9.40 **Second Member of Council**

23.9.40

Law Secy. with Compliments.

23.9.40

23/9/40

23/9

(D)

Final Note by the First Member of Council.

Subject. —

Amendment to the Mysore Land Acquisition Act, 1894.

These papers relate to the amendment proposed to be made to the Mysore Land Acquisition Act, 1894.

According to section 3(d) of the Act, the expression 'Court' means a principal civil court of original jurisdiction unless the Government has appointed a special judicial officer within any specified local limits to perform the functions of the Court under the Act. Generally, cases under the Land Acquisition Act are tried by the District Courts, but sometimes under section 3(d) additional Subordinate Judges are invested by Government with the powers of a Court under the Act. In a case or two where appeals had been preferred against the awards of additional Subordinate Judges who had been appointed under that section, pleas were raised that the Judge was a special officer and not a Court, and that, therefore, an appeal did not lie from his award to the High Court under section 54 of the Act. Certain decisions in British India also indicate that no appeal to the High Court would lie when an award is made by a special officer appointed under section 3(d) of the Act.

The High Court has suggested the desirability of amending the definition of the expression 'Court' so as to include any Court other than the District Court and a special officer whom the Government may appoint to perform the functions of the Court under the Act. A draft Bill was accordingly prepared to give effect to the suggestion of the High Court, and the Bill has been approved by the High Court subject to certain minor changes which have been incorporated in it.

The Dewan and the Second Member of Council are agreeable to the proposed amendment.

I solicit the gracious approval of His Highness to place the general principles of the Bill before the ensuing session of the Representative Assembly and to introduce the Bill itself thereafter in the Legislative Council.

N. Rama Rau

MEMBER OF COUNCIL.

Bangalore,
30th September 1940.

12

Submitted to His Highness.

I submit herewith a Final Note by the First *Member of Council on the subject of* the amendment to the Mysore Land Acquisition Act, 1894,

.....

for His Highness' gracious approval.

Mirza M. Ismail
Dewan.

Mysore,
1st October 1940.

13

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Amendment to the Mysore Land Acquisition Act, 1894.

Chief Secy.
MS
6-10-40 Pp. 187

Order.

TRW.
4|10|'40.

MRS
7.10.40

D.910 14

General and Revenue
Secretariat.

C.144.

SUBJECT:—

Amendment to the Mysore Land Acquisition Act, 1894.

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/~~after~~ issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,

.....L..a..W.....Department. 8/10/40

3492
9-X-40

FIRST MEMBER OF COUNCIL. 9/10/40

3561
9.10.40

SECOND MEMBER OF COUNCIL.

10.10

A Statement of General principles (Flag N) is sent to all the members of the R.A. today as instructed
9/10/40.

C.B

Law Secy.
(with compliments) 10/10/40

10/10/40

3/10/40

NOTE.—Contn. sheet

WD 01152—GPB—750—21-12-38

Land Requisition (amendment) Bill D-732/RA 2340/40 15

General and Revenue Secretariat R. A. & L. C. | File No. of 194 | [App. F. III-2

Serial No.

The file relating to the Land Acquisition Amendment Act was received in this office with His Highness' orders yesterday afternoon. The principles of the bill to amend the Act was got printed in English and Kannada and copies thereof despatched to the Representative Assembly members yesterday (7th October 1940) as directed.

In accordance with Rule 9 of the R/A Rules of Business ten days' notice should be given to the members of the Representative Assembly. The proposed amendment has therefore to be included in the Agenda for being discussed in the Representative Assembly on the 17th or 18th instant.

Sub!

26/12 9/10

8.10.40.

9/10/40

for Section Bo. for note & Return

9.10.40 Noted. The main file may be kindly sent to the Pro. Branch for the R/A.

11-10-40.

NOTE—Contd. Sheet.

WD 06030—GPB—1,000—19-4-40.

Land Acquisition (amendment) Bill

2340/P

General and Revenue Secretariat	File No.	of 194	[App. F. III-2

Serial No.

DEWAN'S OFFICE
23. JAN. 1941
NO 4817

The Bill was introduced in the Legislative Council during its recent session and passed by it at one sitting after suspending the Rules of Business and Standing Orders.

Submitted with a D.S.N.

Sm 21.1.41

Law Secy)

22/1

D.S.N. submitted

Dewan)

Hm 22/1/41

22/1

NOTE—Contn. Sheet

Submitted to His Highness.

X The gracious assent of His Highness was given on the 4th October 1940 to place the general principles of the Bill further to amend the Mysore Land Acquisition Act, 1894, before the Representative Assembly and to introduce the Bill itself in the Legislative Council.

N The statement of general principles of the Bill was placed before the Representative Assembly in October 1940 and approved by that body. The Bill itself was thereafter introduced in the Legislative Council during its recent session and passed by it at one sitting after suspending the Rules of Business and Standing Orders.

Page 17 ghi ante

I now solicit the gracious assent of His Highness to promulgate the Bill.

M

M. Visvesvaraya

Camp: Mysore,)
23rd January 1941.)

First Member of Council
in charge of the current duties of the Dewan.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Promulgation of the Mysore Land Acquisition (amendment) Bill.

Order.

No. 481

VRN.
27/1/'41.

Chief Secy
NM
29/1/41

MS
29/1/41

2340

C 388.

General and Revenue
Secretariat.

SUBJECT:—

Promulgation of the Kyrenia Land Acquisition (amendment) Bill

(*)

31 All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness, orders before/~~after~~ issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,

.....Law.....Department. 30/1/41

FIRST MEMBER OF COUNCIL. (Seen)

30/1/41

SECOND MEMBER OF COUNCIL.

7868
30.1.41

Law Secy with Compliments

31/1/41

NOTE.—Contn. sheet

WD 01183—GPB—500—16-10-40

31/1/41

31/1

The Mysore Land Acquisition (amendment) Act, 1941

Serial No.	
	The previous sanction of His Highness was accorded on 15 27th January 1941 to promulgate the Bill into law. A draft G.O directing publication of the Act as Act III of 1941 is put up for approval

5-2-41 1/2

Sec 1.2.41.

MMW (Law Secy)

MMW 1/2

Hm 2 3/2/41.

Secy MMW 3/2

Appendix F G—1]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193* .

Date of issue 15/2/40

Signed by Mr. K.P.P.

List of enclosures.....

Copied by.....

Examined by.....

Section

File No.

Serial No.

No. PS685/Secl

To

The Registrar
The High Court of Nagpur
Bungalow

Sir,

I am directed to invite reference to your letter Roc no 1133/38-39 dated 21st June 1939 regarding the amendment of the Land Acquisition Act and to forward, for the opinion of the High Court a draft amendment in the form of definition of "Court" in section 3 of the Act.

I have the
✓ 3
for Secretary to Govt
Law Deptt

G. R. S. VI.—S-III/14]

DRAFT.

SUBJECT.....

.....

.....

Section. Legis
File No. 38-40
Serial No. 1

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,

( )

, the.....*191*

Date of issue.....6-2-41

Signed by.....MVN

Proceedings of the Government of H. H. the Maharaja of Mysore.

Order No. P 4018

Ordered that the accompanying Act further to amend the Myore Land Registration Act, 1894

which received the assent of His Highness the Maharaja, on the twenty seventh day of January 1941, be published as ~~Regulation~~ Act No. III of 1941, in the *Mysore Gazette* for general information.

31/2/41

Secretary to Government.
For Law department

May this be—

(i) Printed? 5

(ii) Treated as a standing order?

(iii) Published in the "Gazette" English part?

(iv) Translated?

(v) Placed at the disposal of the Press?

(vi) Published in the "Gazette" Kannada part?

To

The Compiler, *Mysore Gazette*, for publication in Part III of the Gazette, in English and Kannada and for supply of .....spare copies in English, and .....spare copies in Kannada to this office, and.....spare copies in English and.....spare copies in Kannada to the Curator, Government Central Book Depot, Bangalore. Proofs should be sent to this office for approval before publication.

Spare copies as per standing order

4 clean

C/B to Trans Eabin section

THE MYSORE LAND ACQUISITION (AMENDMENT) BILL.

STATEMENT OF GENERAL PRINCIPLES

---:oOo:---

According to section 3 (d) of the Act, the expression "Court" means a principal civil court of original jurisdiction unless the Government has appointed a special judicial officer within any specified local limits to perform the functions of the Court under the Act.

Generally, cases under the Land Acquisition Act are tried by the District Courts, but sometimes under section 3 (d) additional Subordinate Judges are invested by Government with the powers of a Court under the Act. In a case or two where appeals had been preferred against the ~~decisions~~ awards of additional Subordinate Judges who had been appointed under that section, pleas were raised that the Judge was a special officer and not a Court, and that therefore an appeal did not lie from his ~~decision~~ award to the High Court under section 54 of the Act. In order to remove such an ambiguity, it is considered desirable to amend the definition of "Court" contained in section 3 (d) of the Act, so as to indicate clearly that appeals under section 54 will lie ~~through~~ to the High Court irrespective of whether the ~~decision~~ award is one made by a "Court" of original civil jurisdiction or a Court specially empowered by Government or a special officer appointed by Government under section 3 (d) of the Act.

HKR.

JMM 28/9

THE MYSORE LAND ACQUISITION (AMENDMENT) BILL

WHEREAS it is expedient further to amend the Mysore Land Acquisition Act, 1894;

It is hereby enacted as follows:-

Short title.

1. This Act may be called the Mysore Land Acquisition (Amendment) Act, 194---.

Amendment of section 3 Art.VII of 1894.

2. For clause (d) of section 3 of the Mysore Land Acquisition Act, 1894, the following clause shall be substituted, namely:-

"(d) the expression "Court" means a principal civil court of original jurisdiction and includes--

(i) any other court which the Government has specially invested (as it is hereby empowered to do) with the functions of such Court under this Act, and

(ii) a special judicial officer whom the Government has appointed (as it is hereby empowered to do) to perform the functions of such Court under this Act within any specified local limits."

HKR.

25/9

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

~~Read~~ :—

Order No. P. 4018/ Legis 40 38-40 7

Bangalore, dated the 4th February 1941.

Ordered that the accompanying Act further to amend the Mysore Land Acquisition Act, 1894 which received the assent of His Highness the Maharaja, on the twenty seventh day of January 1941, be published as Act, NO. III of 1941, in the Mysore Gazette, for general information.

4/2/41

~~Under~~ Secretary to Government,
Law Department.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette in English and Kannada and for supply of spare copies as per standing orders. Four clean proofs should be sent to this office for approval before publication.

ಮೈಸೂರು ಪ್ರಜಾಪ್ರತಿನಿಧಿ ಸಭೆ.

ದಸರಾ ಅಧಿವೇಶನ — ಅಕ್ಟೋಬರ್ 1940.

ಪ್ರಜಾಪ್ರತಿನಿಧಿಸಭೆಯವರ ಪರ್ಯಾಲೋಚನೆಗಾಗಿ ಒಪ್ಪಿಸತಕ್ಕ ಸರ್ಕಾರಿ ಕಾರ್ಯಕಲಾಪಗಳ ವಿವರ.

III

7. ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಭೂಸಂಪಾದನೆಯ ಆಕ್ಟನ್ನು ತಿದ್ದುಪಾಟುಮಾಡುವುದಕ್ಕಾಗಿ ರಚಿತವಾದ ಮಸೂದಾ ಕಾನೂನಿನ ಸಾಮಾನ್ಯ ನಿಯಮಗಳ ವಿವರಣೆ.

ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಭೂಸಂಪಾದನೆಯ ಆಕ್ಟಿನ (" ಲ್ಯಾಂಡ್ ಅಕ್ವಿಜಿಷ್ಷ್ ಆಕ್ಟಿನ ") 3ನೆಯ ಪ್ರಕರಣದ (*d*) ಕ್ಲಾಜಿನಲ್ಲಿ " ಕೋರ್ಟು " ಎಂಬುದರ ಅರ್ಥವಿವರಣೆಯು ಕೊಡಲ್ಪಟ್ಟಿದೆ. ಅದರ ಪ್ರಕಾರ " ಕೋರ್ಟು " ಎಂಬ ಪದಕ್ಕೆ, ಸರ್ಕಾರದವರು ನಿರ್ದಿಷ್ಟವಾದ ಯಾವುದಾದರೂ ಸ್ಥಳೀಯ ಪ್ರದೇಶದ ಸರಹದ್ದುಗಳೊಳಗೆ ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಒಂದು ಕೋರ್ಟಿನ ಕರ್ತವ್ಯಗಳನ್ನು ನೆರವೇರಿಸುವುದಕ್ಕಾಗಿ ಪ್ರತ್ಯೇಕವಾಗಿ ವಿಶೇಷರೀತಿಯ ಒಬ್ಬ ಜುಡಿಷಿಯಲ್ ಆಫೀಸರವರನ್ನು ನೇಮಕಮಾಡಿದ್ದಲ್ಲಿ ಅಂಥ ಸಂದರ್ಭಗಳಲ್ಲಿ ಹೊರತು ಉಳಿದ ಸಂದರ್ಭಗಳಲ್ಲಿ ಅಸಲುದಾವೆಗಳನ್ನು ವಿಚಾರಣೆಮಾಡುವ ಅಧಿಕಾರವುಳ್ಳ ಆಯಾ ಪ್ರದೇಶದ ಪ್ರಧಾನ ಸಿವಿಲ್ ಕೋರ್ಟು ಎಂದು ಅರ್ಥಮಾಡಲ್ಪಟ್ಟಿದೆ.

ಸರ್ವಸಾಮಾನ್ಯವಾಗಿ, ಭೂಸಂಪಾದನೆಯ ಆಕ್ಟಿನಮೇರೆಗೆ ಬರತಕ್ಕ ಮೊಕದ್ದಮೆಗಳನ್ನು ಆಯಾ ಪ್ರದೇಶಗಳ ಡಿಸ್ಟ್ರಿಕ್ಟು ಕೋರ್ಟುಗಳವರು ವಿಚಾರಣೆ ಮಾಡುತ್ತಾರೆ. ಆದರೆ, ಕೆಲವುವೇಳೆ, ಆಕ್ಟಿನ 3ನೆಯ ಪ್ರಕರಣದ (*d*) ಕ್ಲಾಜಿನಮೇರೆಗೆ ಸರ್ಕಾರದವರು " ಅಡಿಷನಲ್ " ಸಬಾರ್ಡಿನೇಟ್ ಜಡ್ಜಿಗಳಿಗೆ ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಒಂದು ಕೋರ್ಟಿನ ಕರ್ತವ್ಯಗಳನ್ನು ನೆರವೇರಿಸುವ ಅಧಿಕಾರವನ್ನು ಕೊಡುವುದು ರೂಢಿಯಲ್ಲಿದೆ. ಒಂದೆರಡು ಸಂದರ್ಭಗಳಲ್ಲಿ, ಮೇಲೆ ಕಂಡ ಪ್ರಕರಣದ ಮೇರೆಗೆ ನೇಮಕಮಾಡಲ್ಪಟ್ಟಿದ್ದ ಅಡಿಷನಲ್ ಸಬಾರ್ಡಿನೇಟ್ ಜಡ್ಜಿಯವರ ತೀರ್ಮಾನದ ಮೇಲೆ ಅಪೀಲುಗಳು ದಾಖಲಾಗಿದ್ದುವು. ಆ ಸಂಬಂಧದಲ್ಲಿ, ಆ ಸಬಾರ್ಡಿನೇಟ್ ಜಡ್ಜಿಯವರು ಸ್ಪೆಷಲ್ ಆಫೀಸರವರೇ ಹೊರತು ಅವರನ್ನು ಒಂದು " ಕೋರ್ಟಿ "ನಂತೆ ಪರಿಗಣಿಸುವುದಕ್ಕಾಗುವುದಿಲ್ಲವೆಂದೂ, ಆ ಕಾರಣದಿಂದ, ಆಕ್ಟಿನ 54ನೆಯ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಅವರ ತೀರ್ಮಾನದ ಮೇಲೆ ಹೈಕೋರ್ಟಿಗೆ ಅಪೀಲು ಮಾಡಲು ಅವಕಾಶವಿಲ್ಲವೆಂದೂ ವಾದಿಸಲ್ಪಟ್ಟಿತು. ಈ ರೀತಿಯ " ಕೋರ್ಟು " ಎಂಬ ಪದದ ಅರ್ಥದ ವಿಷಯದಲ್ಲಿ ಸಂದೇಹಗಳಿಗೆ ಅವಕಾಶವಿದೆ. ಈ ಬಗೆಯ ಸಂದೇಹಗಳಿಗೆ ಅವಕಾಶವಿಲ್ಲದಂತೆ ಮಾಡುವುದು ಆವಶ್ಯಕ. ಆದುದರಿಂದ, ಭೂಸಂಪಾದನೆಗೆ (" ಲ್ಯಾಂಡ್‌ಅಕ್ವಿಜಿಷ್ಷ್ "ಗೆ) ಸಂಬಂಧಪಟ್ಟ ಮೊಕದ್ದಮೆಗಳಲ್ಲಿ ಕೊಟ್ಟಿರತಕ್ಕ ತೀರ್ಮಾನವು ಅಸಲು ದಾವೆಗಳ ವಿಚಾರಣೆಯ ಅಧಿಕಾರವುಳ್ಳ ಒಂದು " ಕೋರ್ಟಿ " ನಿಂದ ಕೊಡಲ್ಪಟ್ಟ ತೀರ್ಮಾನವೇ ಆಗಿರಲಿ, ಅಥವಾ ಸರ್ಕಾರದವರಿಂದ ವಿಶೇಷರೀತಿಯಲ್ಲಿ ಅಧಿಕಾರಗೊಳಿಸಲ್ಪಟ್ಟಿರತಕ್ಕ ಕೋರ್ಟಿನಿಂದ ಅಥವಾ ಆಕ್ಟಿನ 3 (*d*) ಪ್ರಕರಣದ ಮೇರೆಗೆ ಸರ್ಕಾರದವರಿಂದ ನೇಮಕಮಾಡಲ್ಪಟ್ಟಿರತಕ್ಕ ಸ್ಪೆಷಲ್ ಜುಡಿಷಿಯಲ್ ಆಫೀಸರಿಂದ ಕೊಡಲ್ಪಟ್ಟ ತೀರ್ಮಾನವೇ ಆಗಿರಲಿ, ಅಂಥ ತೀರ್ಮಾನಗಳ ಮೇಲೆ 54ನೆಯ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಹೈಕೋರ್ಟಿಗೆ ಅಪೀಲುಮಾಡಲು ಅವಕಾಶವಿರುವುದೆಂಬ ಅಂಶವು ಸ್ಪಷ್ಟವಾಗಿ ನಮೂದಾಗುವಂತೆ ಆಕ್ಟಿನ 3 (*d*) ಪ್ರಕರಣದಲ್ಲಿ " ಕೋರ್ಟು " ಎಂಬ ಪದಕ್ಕೆ ಕೊಟ್ಟಿರತಕ್ಕ ಅರ್ಥವಿವರಣೆಯನ್ನು ಮಾರ್ಪಡಿಸುವುದು ಸೂಕ್ತವೆಂದು ಭಾವಿಸಲಾಗಿದೆ. ಈ ಮಾರ್ಪಾಟನ್ನು ಮಾಡುವುದಕ್ಕಾಗಿ ಈ ಮಸೂದಾ ಕಾನೂನು ರಚಿತವಾಗಿದೆ.

ಮೈಸೂರು,
7-10-40.

ಎಚ್. ವಿ. ನಾರಾಯಣರಾವ್,
ಮೈಸೂರು ಪ್ರಜಾ ಪ್ರತಿನಿಧಿಸಭೆಯ ಸೆಕ್ರೆಟರಿ.

WD 5793—GBPM—450—7-10-40.

THE MYSORE REPRESENTATIVE ASSEMBLY.

DASARA SESSION—OCTOBER 1940.

STATEMENT OF GENERAL PRINCIPLES.

III

THE MYSORE LAND ACQUISITION (AMENDMENT) BILL.

According to Section 3 (*d*) of the Act, the expression "Court" means a principal civil court of original jurisdiction unless the Government has appointed a special judicial officer within any specified local limits to perform the functions of the Court under the Act.

Generally, cases under the Land Acquisition Act are tried by the District Courts, but sometimes under Section 3 (*d*) additional Subordinate Judges are invested by Government with the powers of a Court under the Act. In a case or two where appeals had been preferred against the awards of the additional Subordinate Judge who had been appointed under that section, pleas were raised that the Judge was a Special Officer and not a Court, and that therefore an appeal did not lie from his award to the High Court under Section 54 of the Act. In order to remove such an ambiguity, it is considered desirable to amend the definition of "Court" contained in Section 3 (*d*) of the Act, so as to indicate clearly that appeals under Section 54 will lie to the High Court irrespective of whether the award is one made by a "Court" of original civil jurisdiction or a Court specially empowered by Government or a special judicial officer appointed by Government under Section 3 (*d*) of the Act.

MYSORE,
Dated 7th October 1940.

H. V. NARAYANA RAO,
Secretary,
Mysore Representative Assembly.

WD 5790—GBPM—250—8-10-40.

THE MYSORE REPRESENTATIVE ASSEMBLY.

DASARA SESSION—OCTOBER 1940.

STATEMENT OF GENERAL PRINCIPLES.

III

THE MYSORE LAND ACQUISITION (AMENDMENT) BILL.

According to Section 3 (*d*) of the Act, the expression "Court" means a principal civil court of original jurisdiction unless the Government has appointed a special judicial officer within any specified local limits to perform the functions of the Court under the Act.

Generally, cases under the Land Acquisition Act are tried by the District Courts, but sometimes under Section 3 (*d*) additional Subordinate Judges are invested by Government with the powers of a Court under the Act. In a case or two where appeals had been preferred against the awards of the additional Subordinate Judge who had been appointed under that section, pleas were raised that the Judge was a Special Officer and not a Court, and that therefore an appeal did not lie from his award to the High Court under Section 54 of the Act. In order to remove such an ambiguity, it is considered desirable to amend the definition of "Court" contained in Section 3 (*d*) of the Act, so as to indicate clearly that appeals under Section 54 will lie to the High Court irrespective of whether the award is one made by a "Court" of original civil jurisdiction or a Court specially empowered by Government or a special judicial officer appointed by Government under Section 3 (*d*) of the Act.

MYSORE,
Dated 7th October 1940.

H. V. NARAYANA RAO,
Secretary,
Mysore Representative Assembly.

WD 5790—GBPM—250—8-10-40.

ಮೈಸೂರು ಪ್ರಜಾಪ್ರತಿನಿಧಿ ಸಭೆ.

ದಸರಾ ಅಧಿವೇಶನ — ಅಕ್ಟೋಬರ್ 1940

ಪ್ರಜಾಪ್ರತಿನಿಧಿಸಭೆಯವರ ಪರ್ಯಾಲೋಚನೆಗಾಗಿ ಒಪ್ಪಿಸತಕ್ಕ ಸರ್ಕಾರಿ ಕಾರ್ಯಕಲಾಪಗಳ ವಿವರ.

III

7. ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಭೂಸಂಪಾದನೆಯ ಆಕ್ಟನ್ನು ತಿದ್ದುಪಾಟುಮಾಡುವುದಕ್ಕಾಗಿ ರಚಿತವಾದ ಮಸೂದಾ ಕಾನೂನಿನ ಸಾಮಾನ್ಯ ನಿಯಮಗಳ ವಿವರಣೆ.

ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಭೂಸಂಪಾದನೆಯ ಆಕ್ಟಿನ (" ಲ್ಯಾಂಡ್ ಅಕ್ವಿಜಿಷ್ಷ ಆಕ್ಟಿನ ") 3ನೆಯ ಪ್ರಕರಣದ (*d*) ಕ್ಲಾಜಿನಲ್ಲಿ " ಕೋರ್ಟು " ಎಂಬುದರ ಅರ್ಥವಿವರಣೆಯು ಕೊಡಲ್ಪಟ್ಟಿದೆ. ಅದರ ಪ್ರಕಾರ " ಕೋರ್ಟು " ಎಂಬ ಪದಕ್ಕೆ, ಸರ್ಕಾರದವರು ನಿರ್ದಿಷ್ಟವಾದ ಯಾವುದಾದರೂ ಸ್ಥಳೀಯ ಪ್ರದೇಶದ ಸರಹದ್ದುಗಳೊಳಗೆ ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಒಂದು ಕೋರ್ಟಿನ ಕರ್ತವ್ಯಗಳನ್ನು ನೆರವೇರಿಸುವುದಕ್ಕಾಗಿ ಪ್ರತ್ಯೇಕವಾಗಿ ವಿಶೇಷರೀತಿಯ ಒಬ್ಬ ಜುಡಿಷಿಯಲ್ ಆಫೀಸರರನ್ನು ನೇಮಕಮಾಡಿದ್ದಲ್ಲಿ ಅಂಥ ಸಂದರ್ಭಗಳಲ್ಲಿ ಹೊರತು ಉಳಿದ ಸಂದರ್ಭಗಳಲ್ಲಿ ಅಸಲುದಾವೆಗಳನ್ನು ವಿಚಾರಣೆಮಾಡುವ ಅಧಿಕಾರವುಳ್ಳ ಆಯಾ ಪ್ರದೇಶದ ಪ್ರಧಾನ ಸಿವಿಲ್ ಕೋರ್ಟು ಎಂದು ಅರ್ಥಮಾಡಲ್ಪಟ್ಟಿದೆ.

ಸರ್ವಸಾಮಾನ್ಯವಾಗಿ, ಭೂಸಂಪಾದನೆಯ ಆಕ್ಟಿನಮೇರೆಗೆ ಬರತಕ್ಕ ಪೊಕದ್ದಮೆಗಳನ್ನು ಆಯಾ ಪ್ರದೇಶಗಳ ಡಿಸ್ಟ್ರಿಕ್ಟು ಕೋರ್ಟುಗಳವರು ವಿಚಾರಣೆ ಮಾಡುತ್ತಾರೆ. ಆದರೆ, ಕೆಲವುವೇಳೆ, ಆಕ್ಟಿನ 3ನೆಯ ಪ್ರಕರಣದ (*d*) ಕ್ಲಾಜಿನಮೇರೆಗೆ ಸರ್ಕಾರದವರು " ಅಡಿಷನಲ್ " ಸಬಾರ್ಡಿನೇಟ್ ಜಡ್ಜಿಗಳಿಗೆ ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಒಂದು ಕೋರ್ಟಿನ ಕರ್ತವ್ಯಗಳನ್ನು ನೆರವೇರಿಸುವ ಅಧಿಕಾರವನ್ನು ಕೊಡುವುದು ರೂಢಿಯಲ್ಲಿದೆ. ಒಂದೆರಡು ಸಂದರ್ಭಗಳಲ್ಲಿ, ಮೇಲೆ ಕಂಡ ಪ್ರಕರಣದ ಮೇರೆಗೆ ನೇಮಕಮಾಡಲ್ಪಟ್ಟಿದ್ದ ಅಡಿಷನಲ್ ಸಬಾರ್ಡಿನೇಟ್ ಜಡ್ಜಿಯವರ ತೀರ್ಮಾನದ ಮೇಲೆ ಅಪೀಲುಗಳು ದಾಖಲಾಗಿದ್ದುವು. ಆ ಸಂಬಂಧದಲ್ಲಿ, ಆ ಸಬಾರ್ಡಿನೇಟ್ ಜಡ್ಜಿಯವರು ಸ್ಪೆಷಲ್ ಆಫೀಸರವರೇ ಹೊರತು ಅವರನ್ನು ಒಂದು " ಕೋರ್ಟ್ " ನಂತೆ ಪರಿಗಣಿಸುವುದಕ್ಕಾಗುವುದಿಲ್ಲವೆಂದೂ, ಆ ಕಾರಣದಿಂದ, ಆಕ್ಟಿನ 54ನೆಯ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಅವರ ತೀರ್ಮಾನದ ಮೇಲೆ ಹೈಕೋರ್ಟಿಗೆ ಅಪೀಲು ಮಾಡಲು ಅವಕಾಶವಿಲ್ಲವೆಂದೂ ವಾದಿಸಲ್ಪಟ್ಟಿತು. ಈ ರೀತಿಯ " ಕೋರ್ಟು " ಎಂಬ ಪದದ ಅರ್ಥದ ವಿಷಯದಲ್ಲಿ ಸಂದೇಹಗಳಿಗೆ ಅವಕಾಶವಿದೆ. ಈ ಬಗೆಯ ಸಂದೇಹಗಳಿಗೆ ಅವಕಾಶವಿಲ್ಲದಂತೆ ಮಾಡುವುದು ಆವಶ್ಯಕ. ಆದುದರಿಂದ, ಭೂಸಂಪಾದನೆಗೆ (" ಲ್ಯಾಂಡ್‌ಅಕ್ವಿಜಿಷ್ಷ "ಗೆ) ಸಂಬಂಧಪಟ್ಟ ಪೊಕದ್ದಮೆಗಳಲ್ಲಿ ಕೊಟ್ಟಿರತಕ್ಕ ತೀರ್ಮಾನವು ಅಸಲು ದಾವೆಗಳ ವಿಚಾರಣೆಯ ಅಧಿಕಾರವುಳ್ಳ ಒಂದು " ಕೋರ್ಟಿ " ನಿಂದ ಕೊಡಲ್ಪಟ್ಟ ತೀರ್ಮಾನವೇ ಆಗಿರಲಿ, ಅಥವಾ ಸರ್ಕಾರದವರಿಂದ ವಿಶೇಷರೀತಿಯಲ್ಲಿ ಅಧಿಕಾರಗೊಳಿಸಲ್ಪಟ್ಟಿರತಕ್ಕ ಕೋರ್ಟಿನಿಂದ ಅಥವಾ ಆಕ್ಟಿನ 3 (*d*) ಪ್ರಕರಣದ ಮೇರೆಗೆ ಸರ್ಕಾರದವರಿಂದ ನೇಮಕಮಾಡಲ್ಪಟ್ಟಿರತಕ್ಕ ಸ್ಪೆಷಲ್ ಜುಡಿಷಿಯಲ್ ಆಫೀಸರಿಂದ ಕೊಡಲ್ಪಟ್ಟ ತೀರ್ಮಾನವೇ ಆಗಿರಲಿ, ಅಂಥ ತೀರ್ಮಾನಗಳ ಮೇಲೆ 54ನೆಯ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಹೈಕೋರ್ಟಿಗೆ ಅಪೀಲುಮಾಡಲು ಅವಕಾಶವಿರುವುದೆಂಬ ಅಂಶವು ಸ್ಪಷ್ಟವಾಗಿ ನಮೂದಾಗುವಂತೆ ಆಕ್ಟಿನ 3 (*d*) ಪ್ರಕರಣದಲ್ಲಿ " ಕೋರ್ಟು " ಎಂಬ ಪದಕ್ಕೆ ಕೊಟ್ಟಿರತಕ್ಕ ಅರ್ಥವಿವರಣೆಯನ್ನು ಮಾರ್ಪಡಿಸುವುದು ಸೂಕ್ತವೆಂದು ಭಾವಿಸಲಾಗಿದೆ. ಈ ಮಾರ್ಪಾಟನ್ನು ಮಾಡುವುದಕ್ಕಾಗಿ ಈ ಮಸೂದಾ ಕಾನೂನು ರಚಿತವಾಗಿದೆ.

ಮೈಸೂರು,
7-10-40.

ಎಚ್. ವಿ. ನಾರಾಯಣರಾವ್,
ಮೈಸೂರು ಪ್ರಜಾ ಪ್ರತಿನಿಧಿಸಭೆಯ ಸೆಕ್ರೆಟರಿ.

WD 5793—GBPM—450—7-10-40.

THE MYSORE LAND ACQUISITION (AMENDMENT) BILL

STATEMENT OF GENERAL PRINCIPLES

According to section 3 (d) of the Act, the expression "Court"means a principal civil court of original jurisdiction unless the Government has appointed a special judicial officer within any specified local limits to perform the functions of the Court under the Act.

Generally, cases under the Land Acquisition Act are tried by the District Courts, but sometimes under section 3 (d) additional Subordinate Judges are invested by Government with the powers of a Court under the Act. In a case or two where appeals had been preferred against the awards of the additional Subordinate Judge who had been appointed under that section, pleas were raised that the Judge was a Special Officer and not a Court, and that therefore an appeal did not lie from his award to the High Court under section 54 of the Act. In order to remove such an ambiguity, it is considered desirable to amend the definition of "Court" contained in section 3 (d) of the Act, so as to indicate clearly that appeals under section 54 will lie to the High Court irrespective of whether the award is one made by a "Court" of original civil jurisdiction or a Court specially empowered by Government or a special judicial officer appointed by Government under section 3 (d) of the Act.

7/10/40.

EXISTING PROVISIONS.

3(d) The expression "Court" means a principal Civil Court of original jurisdiction, unless the Government of Mysore has appointed (as it is hereby empowered to do) a special judicial officer within any specified local limits to perform the functions of the Court under this Act:

54. Subject to the provisions of the Code of Civil Procedure applicable to appeals from original decrees, an appeal shall lie to the High Court from the award or from any part of the award of the Court in any proceedings under this Act.

SUGGESTED AMENDMENTS.

3(d) The expression "Court" means a principal Civil Court of original jurisdiction and includes -

(a) any other Court specially invested by the Government (as it is hereby empowered to do) with the functions of the Court under this Act, and

(b) a special judicial officer appointed by the Government (as it is hereby empowered to do) to perform the functions of the Court under this Act within any specified local limits;

and when any such court is so invested or such special officer is appointed, it or he, as the case may be, shall have, within the local limits of its or his jurisdiction, as the case may be, concurrent jurisdiction with the principal Civil Court of original jurisdiction, in exercising all powers conferred by this Act upon the Court:

54. Subject to the provisions of the Code of Civil Procedure applicable to appeals from original decrees, an appeal shall lie to the High Court from any decree, order, decision or finding or from any part of any decree, order, decision or finding of the Court in any proceedings under this Act.

EXISTING PROVISIONS.

3(d) The expression "Court" means a principal Civil Court of original jurisdiction, unless the Government of Mysore has appointed (as it is hereby empowered to do) a special judicial officer within any specified local limits to perform the functions of the Court under this Act:

SUGGESTED AMENDMENTS.

3(d) The expression "Court" means a principal Civil Court of original jurisdiction and includes -

(i) (a) any other Court specially invested by the Government (as it is hereby empowered to do) with the functions of the such Court under this Act, and

(ii) (b) a special judicial officer appointed by the Government (as it is hereby empowered to do) to perform the functions of ~~the~~ such Court under this Act within any specified local limits.

6 1972